

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Mohamed A. Mohamed,

Plaintiff,

v.

Denise Frazier, District Director of
United States Citizenship and Immigration
Services; Eduardo Aguirre, Director of United
States Citizenship and Immigration Services;
Alberto Gonzales, Attorney General of the
United States; Michael Chertoff, Secretary
of the United States Department of
Homeland Security,

Civ. No. 06-377 (RHK/JSM)
ORDER

Defendants.

Currently pending before the Court are Defendants' Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(1), and Plaintiff's Motion for Summary Judgment pursuant to Federal Rule of Civil Procedure 56. The sole issue argued in both Motions is whether the Court has subject matter jurisdiction over this case pursuant to 8 U.S.C. § 1447(b). In a supplemental reply brief filed yesterday, Defendants withdrew their argument and conceded that the Court has subject matter jurisdiction.

Therefore, it is **ORDERED** that Defendant's Motion to Dismiss (Doc. No. 3) is **DENIED**, Plaintiff's Motion for Summary Judgment (Doc. No. 7) is **GRANTED**, and the hearing scheduled for May 22, 2006, is **CANCELLED**. It is further **ORDERED**, based upon requests by both parties, that this case is remanded to United States Citizenship and

Immigration Services, pursuant to 8 U.S.C. § 1447(b), with instructions to resolve
Plaintiff's naturalization request within 30 days from the date of this Order.

Dated: May 18, 2006

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge